

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**MICHAUN PHILLIPS,**

Plaintiff,

v.

**MICHAEL J. ASTRUE,**

Commissioner of Social Security,

Defendant.

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Civil Action No. **3:09-CV-2438-L**

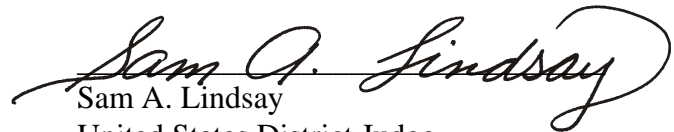
**ORDER**

Before the court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”), filed September 4, 2010; and Defendant’s Notice to the Court on the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, filed September 4, 2010.

Plaintiff contests the findings of the administrative law judge (“ALJ”) who considered her case, arguing that the ALJ applied the incorrect legal standard in evaluating the evidence. The magistrate judge, after a careful analysis, determined that the ALJ did apply the incorrect legal standard and recommended that the case is remanded to the ALJ. Defendant filed notice that no response would be filed to the Report.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge’s findings and conclusions are therefore **accepted** as those of the court. Accordingly, the final decision of the Commissioner denying disability benefits is **reversed** and this action is **remanded** to the Commissioner for further proceedings consistent with the court’s order.

**It is so ordered** this 18th day of October, 2010.

  
Sam A. Lindsay  
United States District Judge